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Application No. 10/060,791
Amendment dated April 5, 2007
Reply to Office Action of December 7, 2006

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Docket No.: 60072A US

REMARKS**Amendments to the Claims**

Claims 1, 10 and 19 are amended to specify the halogenated initiator molecules are based on halogenated initiators given on page 4, lines 14-25.

Claims 1 and 19 are amended to remove the limitation on the amount of metal cyanide complex present. The amount of catalyst previously present in Claim 1 and 19 is now the bases of new claims 21 and 22.

Claim 6 is amended to specify the amount of metal cyanide complex per million parts of product as per the specification, page 7, lines 1-8.

New claims 21 and 22 specify the amount of catalyst complex as previously given in claims 1 and 10 where the amount is based on one million parts of product.

New Claims 23 and 25 contain the limitation of the halogen initiators as previously limited in Claim 5.

Claims Pending in the Application

Claims 1-6, 10-14, 19 and 21-24 remain pending in the present application.

Claims 7-9, 15-18 and 20 are withdrawn based on a restriction requirement.

REJECTIONS/ARGUMENTS**Rejection Under 35 USC 112, 2nd Paragraph**

(A) Claims 1 and 6 stand rejected under 35 USC 112, 2nd paragraph as the use of the term about 1100 to 10,500 parts by weight, based on the weight of the product does not specify the weight percent of the product.

Claim 1 is amended above to remove the limitation on the amount of double metal cyanide complex present. The catalyst concentration need only be present in an amount to give the desired rate of reaction within a desired time as per page 7, lines 1-2 of the specification. New claim 20 specifies the amount of catalyst previously presented in claim 1 based on one

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million parts of product. Claim 6 is amended to specify the amount is based on one million parts of product as per page 7, lines 1-8 of the specification.

(B) Claim 19 is rejected on the 2,000 to 10,000 ppm of a metal cyanide catalyst does not specify upon which the ratio is based. Claim 19 is amended to remove the limitation of the amount of catalyst present. New claim 21 specifies the amount of catalyst, previously present in claim 19 based on one million parts of product.

Rejection under 35 USC 103(a)

Claims 1-4, 6, 10-14 and 19 stand rejected under 35 USC 103(a) as being unpatentable over Shen et al. (US Patent 5,854,386).

Shen et al. disclose the preparation of polymer polyol stabilizers. The Office Action states the range of catalyst concentration in the present invention differs from Shen et al., however; alleges it would have been obvious to one of ordinary skill in the art to modify the weight ratio of said catalyst from the reference within the limitation of the instant claims since they have been shown to be effective in a similar system and thus would have been expected to provide adequate results.

The formation of the stabilizers in Shen et al. are produced from starters R in column 4, lines 15-19; wherein R is a C2-20 hydrocarbon containing at least one site of ethylenic or ethynic (acetylenic) unsaturation, optionally substituted by non-reactive groups such as halo, alkoxy, cyano, and the like...etc. The initiator having at least one site of ethylenic or acetylenic unsaturation is also given in column 3, lines 4-6. The unsaturated functionality is necessary to undergo free radical induced addition polymerization, see column 3, lines 40-55,

In contrast, the present invention is to the preparation of polyether polyol which contains at least one terminal hydroxyl group and at least one halogen group. The halogen group can undergo further reaction to the formation of other constituents, such as a primary or secondary amine.

As amended, the claims are clearly distinguished from Shen et al. in use of initiators which do not contain a site of ethylenic or ethynic unsaturation which can undergo free-radical polymerization. As such, the initiators of Shen et al. would not work for the selected purpose of

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the present invention and the initiators of the present invention would not be applicable for the use given in Shen et al.

SUMMARY

In view of the above amendments, applicant believes the pending application is in condition for allowance. The allowance of claims 1-6, 10-14, 19 and 21 24 is respectfully requested.

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Respectfully submitted,

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